

BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: John Frederick KEMP

Serial No.: 10/030,237 (Conf. 5866)

Filed: May 23, 2002

For: APPARATUS FOR DERIVING ENERGY
FROM WAVES

Attorney Docket No.: HCM-019US

Group Art Unit: 3745

Examiner:

Commissioner for Patents
Box 16
Washington, D.C. 20231

Attn: Refund Section
Accounting Division, Office of Finance

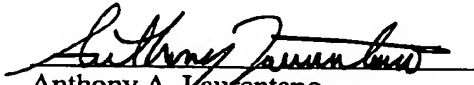
Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box 16, Washington, D.C. 20231, Attn: Refund Section, Accounting Div., Office of Finance on the date set forth below.

October 31, 2002

Date of Signature and of Mail Deposit

By:


Anthony A. Laurentano
Reg. No. 38,220
Attorney for Applicants

REQUEST FOR REFUND

Dear Sir:

Applicant's attorney respectfully requests a refund of the amounts of \$140 and \$27 (totalling \$167) charged to our Deposit Order Account No. 12-0080 on May 30, 2002 (PTO Reference No. 10030237). Applicant received a Notification of Missing Requirements dated March 27, 2002 requesting an additional claim fee of \$167. On May

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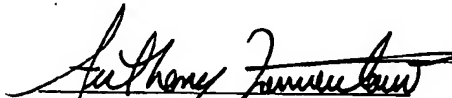
Re: U.S.S.N 10/030,237
Group Art Unit 3745

23, 2002, Applicant's attorney filed a Response to Notification of Missing Requirements in the above-referenced application, including a Second Preliminary Amendment which eliminated the remaining multiply dependent claims, and brought the claim count to 1 independent and 14 dependent claims for a total of 15 claims in this patent application. Thus, no additional claims fees were due. However, charges of \$140 and \$27 were then made to our Deposit Order Account No. 12-0080 on May 30, 2002. We enclose a copy of our Firm's Deposit Order Account showing this charge. To support this request, Applicant's attorney encloses a copy of the Response to Notification of Missing Requirements and Second Preliminary Amendment as filed on May 23, 2002, and also a copy of a Preliminary Amendment as filed with the application on October 25, 2001.

Since no additional claim fee is due in this application, we respectfully request that a total of \$167 be credited to our Deposit Account No. 12-0080. For this purpose, we enclose a duplicate copy of this letter.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP



Anthony A. Laurentano
Registration No. 38,220
Attorney for Applicant

28 State Street
Boston, MA 02109
(617) 227-7400

Date: October 31, 2002

LAHIVE AND COCKFIELD LLP.
DEPOSIT ORDER ACCOUNT NO. 12-0080.

MAY 31ST, 2002 STATEMENT

| | | | | | | |
|--------|-----|----------|------------------------|-----|----------|-----|
| 30-May | 111 | 10030237 | HCM-019US (REFUND REQ) | 967 | \$27.00 | DJR |
| 30-May | 112 | 10030237 | HCM-019US (REFUND REQ) | 969 | \$140.00 | DJR |

In re the application of Jol Frederick KEMP

Case Docket No. HCM-019US

Serial No. 10/030237 (Conf. No. 5866)

Filed: February 28, 2001 (International Filing Date)

For: APPARATUS FOR DERIVING ENERGY FROM WAVES

COMMISSIONER FOR PATENTS

BOX PCT

Washington, D.C. 20231

Sir:

Transmitted herewith for filing in connection with the above-identified application are the following:

- ☒ Response to Notification of Missing Requirements under U.S.C. 371;
- ☒ Second Preliminary Amendment;
- ☒ executed Declaration, Petition and Power of Attorney;
- ☒ copy of Formalities Letter; and
- ☒ a return postcard.

The fee has been calculated as shown below:

| | (Col. 1) | | (Col. 2) | | (Col. 3) |
|--|-------------------------------------|-------|---------------------------------------|---|------------------|
| | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NO. PREVIOUSLY PAID FOR | | PRESENT EXTRA |
| TOTAL | 15 | MINUS | 20 | = | 0 |
| INDEP. | 1 | MINUS | 3 | = | 0 |
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | | |

| SMALL ENTITY | |
|---------------------|---------------|
| RATE | ADDIT. FEE |
| x 9 = | \$0.00 |
| x 42 = | \$0.00 |
| +140 = | \$0.00 |
| TOTAL ADDIT. FEE | \$0.00 |

OR

| OTHER THAN A SMALL ENTITY | |
|------------------------------|---------------|
| RATE | ADDIT. FEE |
| x 18 = | \$0.00 |
| x 84 = | \$0.00 |
| + 280 = | \$0.00 |
| TOTAL | \$0.00 |

- * If the entry in Col 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

- ☐ A check in the amount of _____ is enclosed for presentation of extra claims.
- ☐ A check in the amount of _____ is enclosed for .
- ☐ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.
 - ☐ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
 - ☐ Any patent application processing fees under 37 CFR 1.17.
- ☒ Please charge any additional fees or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed. Applicants request any extensions of time necessary to respond.

Certificate of Express Mailing

I hereby certify that this transmittal letter and the papers referred to as being enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, Mailing Label No. EL 950187149 US, under 37 CFR 1.10, on the date indicated below and is addressed to the Commissioner for Patents, PCT PCT, Washington, DC 20231

Date

Viriato G. Cardoso

LAHIVE & COCKFIELD, LLP
Attorneys at Law

By Anthony A. Laurentian
Anthony A. Laurentian
Reg. No. 38,220
28 State Street
Boston, MA 02109
(617) 227-7400
Telecopier (617) 742-4214

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: John Frederick KEMP
International Application No.: PCT/GB01/01012
International Filing Date: February 28, 2001
U.S. Serial No.: 10/030237 (CONF. NO. 5866)
Mailed: October 25, 2001
For: APPARATUS FOR DERIVING ENERGY
FROM WAVES
Attorney Docket No.: HCM-019US

Group Art Unit:

Examiner:

Commissioner for Patents
BOX PCT
Washington, D.C. 20231

Certificate of Express Mailing

I hereby certify that the form, identified herein, is being deposited by me with the United States Postal Service "Express Mail Post Office to Addressee" service, Mailing Label No. **EL 950187149 US**, under 37 CFR 1.10, on the date indicated below and is addressed to the Commissioner for Patents, Box PCT, Washington, D.C. 20231

May 23, 2002
Date

By:


Viriato G. Cardoso

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Dear Sir or Madam:

Responsive to the *Notification of Missing Requirements Under 35 U.S.C. 371* dated March 27, 2002 in connection with the above-referenced patent application, an executed *Declaration, Petition and Power of Attorney* is submitted herewith. A copy of the 371 Formalities Letter is also enclosed.

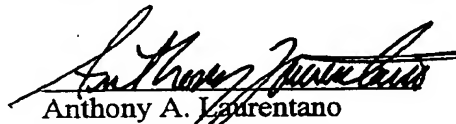
Re: U.S.S.N. 10/030237

In response to the request for additional claim fees, we are herewith filing a Second Preliminary Amendment which eliminates the remaining multiply dependent claims in this patent application. Therefore, it is our belief that no additional claim fees are due you.

Please charge any additional fees or credit any overpayments associated with this correspondence to Deposit Account No. 12-0080. A duplicate copy of this paper is enclosed. If there are any problems, please call the undersigned at the telephone number indicated below.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP



Anthony A. Laurentano
Registration No. 38,220
Attorney for Applicant

28 State Street
Boston, MA 02109
(617) 227-7400

Date: May 23, 2002

(Atty. Docket No.: HCM-019US)

**IN THE UNITED STATES PATENT DESIGNATED OFFICE (DO/US)
(National Phase of International Appln. No. PCT/GB01/01012,
published as WO 01/65112 A1)**

In re the
application of: **John Frederick KEMP**

International Application No.: **PCT/GB01/01012**

International Filing Date: **28 February 2001**

U.S. Serial No.: **10/030237 (CONF. NO. 5866)**

Mailed: **October 25, 2001**

For: **APPARATUS FOR DERIVING ENERGY
FROM WAVES**

Attorney Docket No.: **HCM-019US**

Certificate of Express Mailing

I hereby certify that the form, identified herein, is being deposited by me with the United States Postal Service "Express Mail Post Office to Addressee" service, Mailing Label No. **EL 950187149 US**, under 37 CFR 1.10, on the date indicated below and is addressed to the Commissioner for Patents, Box PCT, Washington, D.C. 20231

May 23, 2002

Date

By: 

Viriato G. Cardoso

**BOX PCT
Commissioner for Patents
Washington, D.C. 20231**

SECOND PRELIMINARY AMENDMENT

Dear Sir:

Please amend the claims in the above-titled application as follows, prior to examination:

In the claims:

Please amend claims 4, 8-9, 11, 13-15 as follows:

4. (Amended) Apparatus as claimed in claim 1, in which the chamber is formed from a pair of side walls spaced apart by a top plate.
8. (Amended) Apparatus as claimed in claim 1, in which the baffle tapers towards the inlet port.
9. (Amended) Apparatus as claimed in claim 1, in which the chamber includes a pair of tapering side plates adjacent each side wall to compress the air entering in successive wave troughs.
11. (Amended) Apparatus as claimed in claim 1, in which an internal ramp is provided between the inlet port and the manifold.
13. (Amended) Apparatus as claimed in claim 1, in which the air outlet port leads off the manifold adjacent the baffle.
14. (Amended) Apparatus as claimed in claim 1, in which a wave water outlet is provided in the chamber adjacent the baffle.
15. (Amended) Apparatus as claimed in claim 1, in which means are provided to adjust the buoyancy of the chamber to adjust its height in the water to suit different wave conditions.

Re: Attorney Docket No. HCM-019US
U.S. National Stage of PCT/GB01/01012
International Publication No. WO 01/65112 A1

REMARKS

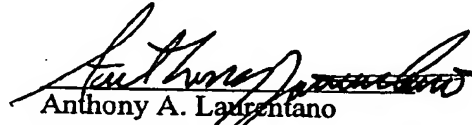
The foregoing amendments remove multiple claim dependencies, thereby addressing minor matters of form. The foregoing amendments introduce no new matter and are not related to issues of patentability.

Entry of the foregoing Preliminary Amendment is respectfully in order and requested.

If there are any questions regarding the amendments to the application, we invite the Examiner to call Applicant's representative at the telephone number below.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP


Anthony A. Laurentano
Registration No. 38,220
Attorney for Applicant

28 State Street
Boston, MA 02109
(617) 227-7400
Date: May 23, 2002

Version With Markings To Show Changes Made

Please amend claims 4, 8-9, 11 and 13-15 as follows:

4. (Amended) Apparatus as claimed in ~~any preceding claim 1~~, in which the chamber is formed from a pair of side walls spaced apart by a top plate.
8. (Amended) Apparatus as claimed in ~~any preceding claim 1~~, in which the baffle tapers towards the inlet port.
9. (Amended) Apparatus as claimed in ~~any preceding claim 1~~, in which the chamber includes a pair of tapering side plates adjacent each side wall to compress the air entering in successive wave troughs.
11. (Amended) Apparatus as claimed in ~~any preceding claim 1~~, in which an internal ramp is provided between the inlet port and the manifold.
13. (Amended) Apparatus as claimed in ~~any preceding claim 1~~, in which the air outlet port leads off the manifold adjacent the baffle.
14. (Amended) Apparatus as claimed in ~~any preceding claim 1~~, in which a wave water outlet is provided in the chamber adjacent the baffle.
15. (Amended) Apparatus as claimed in ~~any preceding claim 1~~, in which means are provided to adjust the buoyancy of the chamber to adjust its height in the water to suit different wave conditions.

**DECLARATION, PETITION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

(Check one):

- ☐ Declaration Submitted with Initial Filing
☒ Declaration Submitted after Initial Filing

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

the specification of which (check one):

☐ is attached hereto.

OR

☒ was filed on 28 February 2001 as PCT International Application Number PCT/GB01/01012 and filed as U.S. Serial No. 10/030,237.

☐ and was amended by PCT Article 19 Amendment on _____
(if applicable),

☐ and was amended by PCT Article 34 Amendment on _____
(if applicable).

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

PRIORITY CLAIM

(Check one):

☐ no such applications have been filed.

☒ such applications have been filed as follows

1) FOREIGN PRIORITY CLAIM: I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (dd,mm,yyyy) | Priority Not Claimed | Certified Copy Attached | |
|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|-------------------------------------|
| | | | | Yes | No |
| 0004940.3 | GB | 02 March 2000 (02.03.00) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority sheet attached hereto.

2) PROVISIONAL PRIORITY CLAIM: I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

| Provisional Application Number(s) | Filing Date (dd/mm/yyyy) |
|-----------------------------------|--------------------------|
| | |
| | |

☐ Additional provisional application numbers are listed on a supplemental priority sheet attached hereto.

3) U.S./PCT PRIORITY CLAIM: I hereby claim the benefit under Title 35, United States Code, §120 of any United States application or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | PCT Parent Number | Parent Filing Date (dd/mm/yyyy) | Parent Patent Number (if applicable) |
|--------------------------------|-------------------|---------------------------------|--------------------------------------|
| | | | |
| | | | |

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority sheet attached hereto.

POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

| | | | |
|------------------------|-----------------|---------------------|---|
| James E. Cockfield | Reg. No. 19,162 | Jeremiah Lynch | Reg. No. 17,425 |
| Thomas V. Smurzynski | Reg. No. 24,798 | David J. Rikkers | Reg. No. 43,882 |
| Ralph A. Loren | Reg. No. 29,325 | Maria C. Laccotripe | Limited Recognition Under 37 C.F.R. § 10.9 |
| Giulio A. DeConti, Jr. | Reg. No. 31,503 | | |
| Ann Lamport Hammitte | Reg. No. 34,858 | Debra J. Milasincic | Reg. No. 46,931 |
| Elizabeth A. Hanley | Reg. No. 33,505 | David R. Burns | Reg. No. 46,590 |
| Amy E. Mandragouras | Reg. No. 36,207 | Sean D. Detweiler | Reg. No. 42,482 |
| Anthony A. Laurentano | Reg. No. 38,220 | Peter S. Stecher | Reg. No. 47,259 |
| Kevin J. Canning | Reg. No. 35,470 | Cynthia L. Kanik | Reg. No. 37,320 |
| Jane E. Remillard | Reg. No. 38,872 | Theodore R. West | Reg. No. 47,202 |
| DeAnn F. Smith | Reg. No. 36,683 | Shayne Y. Huff | Reg. No. 44,784 |
| Peter C. Lauro | Reg. No. 32,360 | Hathaway P. Russell | Reg. No. 46,488 |
| Jeanne M. DiGiorgio | Reg. No. 41,710 | Daniel B. Ko | Reg. No. 47,332 |
| Megan E. Williams | Reg. No. 43,270 | | |

Send Correspondence to Anthony A. Laurentano, Esq. at Customer Number: 000959 whose address is:


Lahive & Cockfield, LLP, 28 State Street, Boston, Massachusetts 02109, United States of America

Direct Telephone Calls to: (name and telephone number)

Anthony A. Laurentano, Esq., (617) 227-7400

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | |
|---|----------------------------------|
| Full name of sole or first inventor John Frederick KEMP | |
| Inventor's signature  | Date X 7 November 2001 |
| Residence The Old Coach House, The Street, Patching, West Sussex BN13 3XF, GREAT BRITIAN | |
| Citizenship GB | |
| Post Office Address (if different) | |



UNITED STATES PATENT AND TRADEMARK OFFICE

COPY
 Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

| | | |
|---|--|-------------------------------|
| U.S. APPLICATION NUMBER NO. 10/030,237 | FIRST NAMED APPLICANT John Frederick Kemp | ATTY. DOCKET NO. HCM-019US |
| INTERNATIONAL APPLICATION NO. PCT/GB01/01012 | | |
| LA. FILING DATE 02/28/2001 | PRIORITY DATE 03/02/2000 | |

 Anthony A Laurentano
 Lahive & Cockfield
 28 State Street
 Boston, MA 02109

DOCKETED
May 27, 2002 Missing Req.
Oct 22, 2002 ESP w/1501

CONFIRMATION NO. 5866
 371 FORMALITIES LETTER

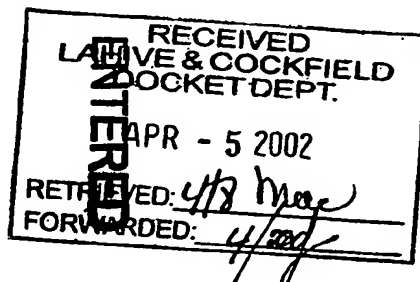
 OC000000007714586

Date Mailed: 03/27/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

- Additional claim fees of \$167 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$167 for a Small Entity:

- Total additional claim fee(s) for this application is \$167
 - \$27 for 3 total claims over 20.
 - \$140 for multiple dependant claims surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

TAMALA D HOLLAND

Telephone: (703) 305-5483

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/030,237 | PCT/GB01/01012 | HCM-019US |

FORM PCT/DO/EO/905 (371 Formalities Notice)

(Atty. Docket No.: HCM-019US)

IN THE UNITED STATES PATENT DESIGNATED OFFICE (DO/US)
(National Phase of International Appln. No. PCT/GB01/01012,
published as WO 01/65112 A1)

In re the
application of: **John Frederick KEMP**

International Application No.: **PCT/GB01/01012**

International Filing Date: **28 February 2001**

U.S. Serial No.: **Not yet assigned**

Filed: **Herewith**

For: **APPARATUS FOR DERIVING ENERGY
FROM WAVES**

Attorney Docket No.: **HCM-019US**

BOX PCT
Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Dear Sir:

Please amend the claims in the above-titled application as follows, prior to examination:

In the claims:

Please amend claims 3 and 7 as follows:

3. (Amended) Apparatus as claimed in claim 1, in which the chamber is an elongate chamber.

Re: Attorney Docket No. HCM-019US
U.S. National Stage of PCT/GB01/01012
International Publication No. WO 01/65112 A1

7. (Amended) Apparatus as claimed in claim 5, in which the baffle is provided adjacent the end wall.

Please cancel claim 16.

REMARKS

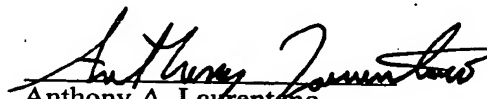
The foregoing amendments remove multiple claim dependencies, to provide proper antecedent basis, and to address other matters of form. The foregoing amendments introduce no new matter and are not related to issues of patentability.

Entry of the foregoing Preliminary Amendment is respectfully in order and requested.

If there are any questions regarding the amendments to the application, we invite the Examiner to call Applicant's representative at the telephone number below.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP


Anthony A. Laurentino
Registration No. 38,220
Attorney for Applicant

28 State Street
Boston, MA 02109
(617) 227-7400

Date: 10/25/01

Re: Attorney Docket No. HCM-019US
U.S. National Stage of PCT/GB01/01012
International Publication No. WO 01/65112 A1

Version With Markings To Show Changes Made

Please amend claims 3 and 7 as follows:

3. (Amended) Apparatus as claimed in claim 1 ~~or claim 2~~, in which the chamber is an elongate chamber.

7. (Amended) Apparatus as claimed in claim 5 ~~or claim 6~~, in which the baffle is provided adjacent the end wall.

Please cancel claim 16.

Docket No.: 05986/100K434-US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Blas Frangione

Application No.: 10/301,488

Filed: November 21, 2002

Confirmation No.: 9176

Art Unit: 1646

Examiner: D. E. Kolker

For: SYNTHETIC IMMUNOGENIC BUT NON-
DEPOSIT-FORMING POLYPEPTIDES AND
PEPTIDES HOMOLOGOUS TO AMYLOID
BETA, PRION PROTEIN, AMYLIN, ALPHA-
SYNUCLEIN, OR POLYGLUTAMINE
REPEATS FOR INDUCTION OF AN IMMUNE
RESPONSE

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicants in the above identified patent application hereby request a partial refund of fees paid with respect to this application. Applicants hereby assert they are entitled to Small Entity Status.

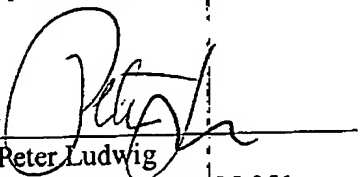
On August 11, 2006 an Amendment in response to the Final Office Action mailed February 16, 2006, RCE and three-month extension of time was filed for this application with a fee transmittal sheet correctly calculating the total claims as 118. The extra claim fee for one additional claim was paid in full in the amount of \$25.00 on August 11, 2006 at the time of filing the Amendment in the above identified application.

Applicants attach hereto a copy of check No. 12405 in the amount of \$930.00 paid on August 11, 2006 to cover the RCE (\$395), three month extension of time (\$510) and extra claim (\$25) fees. Our Deposit account was erroneously charged \$50.00 for extra claim fees that were previously paid for in the above-identified application.

Please credit the refund of \$50.00 to Deposit Account No. 04-0100 in the name of DARBY & DARBY P.C.

Dated: October 6, 2006

Respectfully submitted,

By 
S. Peter Ludwig
Registration No.: 25,351
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant



United States
Patent and
Trademark Office

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USPTO
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Online
Shopping
Page**Deposit Account Statement**

Requested Statement Month:

August 2006

Deposit Account Number:

040100

Name:

DARBY & DARBY P.C.

Attention:

ANGELINA DILULLO

Address:

805 THIRD AVENUE

City:

NEW YORK

State:

NY

Zip:

10022-7513

Country:

UNITED STATES

| DATE | SEQ | POSTING REF TXT | ATTORNEY DOCKET NBR | FEE CODE | AMT | BAL |
|-------|-----|--------------------|----------------------------|-------------|-----------|---------------|
| 08/01 | 33 | 11018146 | 02309/100K361-US2 | 1201 | \$100.00 | \$63,150. |
| 08/02 | 3 | 10084520 | 20908 / 000K327 | 9204 | -\$400.00 | \$63,550. |
| 08/02 | 100 | 11380868 | 08226/0204291-US0 | 8021 | \$40.00 | \$63,510. OK |
| 08/02 | 296 | 10482762 | 04132 / 0200512 | 9204 | -\$720.00 | \$64,230. |
| 08/02 | 363 | 11367231 | 06727/0204169-US0 | 8021 | \$40.00 | \$64,190. OK |
| 08/03 | 3 | 10463196 | 06486/100L559-US1 | 1202 | \$150.00 | \$64,040. |
| 08/03 | 36 | 11479595 | 06727/0205097-US0 | 8007 | \$20.00 | \$64,020. |
| 08/03 | 174 | 60703793 | 00261/2203072-CA0 | 8007 | \$20.00 | \$64,000. |
| 08/04 | 1 | 1988008 | 02417/300B017-US0 | 6206 | \$100.00 | \$63,900. OK |
| 08/04 | 2 | 1988008 | 02417/300B017-US0 | 6203 | \$100.00 | \$63,800. |
| 08/04 | 3 | 2314570 | 06718/3008258-US1 | 6206 | \$100.00 | \$63,700. OK |
| 08/07 | 2 | 10709329 | 20107/1200838-US1 | 1251 | \$120.00 | \$63,580. |
| 08/07 | 8 | 10563853 | 06727/0203856-US0 | 2633 | \$100.00 | \$63,480. |
| 08/07 | 9 | 10563853 | 06727/0203856-US0 | 2632 | \$250.00 | \$63,230. |
| 08/07 | 10 | 10563853 | 06727/0203856-US0 | 2615 | \$875.00 | \$62,355. |
| 08/07 | 15 | 11277395 | 03924/1203394-US3 | 2201 | -\$300.00 | \$62,655. und |
| 08/07 | 132 | 11460931 | 08211 / 0204601 | 8021 | \$40.00 | \$62,615. |
| 08/07 | 133 | 11460937 | 08211 / 0204401-US0/P06572 | 8021 | \$40.00 | \$62,575. |
| 08/08 | 206 | 11458964 | 08211 / 0206574US3 | 8021 | \$40.00 | \$62,535. OK |
| 08/09 | 2 | 10505628 | 00152/0201647-US0 | 1202 | \$350.00 | \$62,185. |
| 08/09 | 3 | 10424168 | 5408/1J699US1 - Refund | 1201 | \$200.00 | \$61,985. |
| 08/09 | 3 | 10505628 | 00152/0201647-US0 | 1203 | \$360.00 | \$61,625. |
| 08/09 | 11 | 10301499 | 4040/1K399US1 | 1464 | \$130.00 | \$61,495. OK |
| 08/09 | 12 | 10301499 | 4040/1K399US1 | 1801 | \$790.00 | \$60,705. OK |
| 08/09 | 379 | 60706492 | 08223/1201732-US1 | 8007 | \$20.00 | \$60,685. |
| 08/10 | 203 | 11461321 | 20299/1201920-US2 | 8021 | \$40.00 | \$60,645. OK |
| 08/15 | 49 | 10264285 | 28212/0200340-US0/NC30621 | 8007 | \$20.00 | \$60,625. |

| | | | | | |
|-----------|----------------|--------------------|------|-------------|---------------------|
| 08/15 80 | 11193781 | 06727/0203240-US0 | 8007 | \$20.00 | \$60,605. |
| 08/15 83 | 11479595 | 06727/0205097-US0 | 8007 | \$20.00 | \$60,585. |
| 08/15 87 | 60699983 | 04305/0203149-US0 | 8007 | \$20.00 | \$60,565. |
| 08/16 8 | 10555568 | 64468 (50024) | 2615 | \$250.00 | \$60,315. |
| 08/16 9 | 10555868 | 04279/100M212-US1 | 2615 | \$250.00 | \$60,065. |
| 08/16 32 | 60707608 | 04368/0203287-WO0 | 8007 | \$20.00 | \$60,045. |
| 08/17 243 | PCT/US06/31009 | 2205106-WO0 103207 | 1602 | \$700.00 | \$59,345. |
| 08/17 252 | 11421384 | 20381/1202974-US1 | 8021 | \$40.00 | \$59,305. <i>OK</i> |
| 08/18 8 | 10555568 | 64468 (50024) | 2615 | -\$250.00 | \$59,555. |
| 08/18 30 | 11048207 | 06733/10202478 | 9204 | -\$300.00 | \$59,855. |
| 08/18 32 | 10658026 | 06733/10200031 | 9204 | -\$300.00 | \$60,155. |
| 08/18 276 | PCT/US06/31585 | 2203316-WO0 12027 | 1602 | \$700.00 | \$59,455. |
| 08/18 563 | PCT/US06/31586 | 2203168-WO0 103259 | 1602 | \$700.00 | \$58,755. |
| 08/21 1 | 10301488 | 5986/1K434US1 | 2202 | \$50.00 | \$58,705. |
| 08/21 136 | 11463854 | 20210/1202099-US1 | 8021 | \$40.00 | \$58,665. <i>OK</i> |
| 08/21 295 | 11232471 | 08223/0201529-US0 | 8007 | \$20.00 | \$58,645. <i>OK</i> |
| 08/21 296 | 60748695 | 00467/0203749-US0 | 8007 | \$20.00 | \$58,625. |
| 08/21 306 | 60720255 | 08223/100S053-US5 | 8007 | \$20.00 | \$58,605. |
| 08/22 56 | 11445917 | 02471/0204405-US0 | 8021 | \$40.00 | \$58,565. <i>OK</i> |
| 08/22 121 | 10831273 | 09855/0201070-US0 | 8021 | \$40.00 | \$58,525. <i>OK</i> |
| 08/22 122 | 10831273 | 09855/0201070-US0 | 8021 | \$40.00 | \$58,485. <i>OK</i> |
| 08/22 181 | 11425335 | 08228/1203897-US1 | 8021 | \$40.00 | \$58,445. <i>OK</i> |
| 08/23 7 | 10555039 | 03702/0203547-US0 | 1633 | \$200.00 | \$58,245. |
| 08/23 8 | 10555039 | 03702/0203547-US0 | 1642 | \$400.00 | \$57,845. |
| 08/23 28 | 60620184 | 02420/0201984-WO0 | 8021 | \$40.00 | \$57,805. <i>OK</i> |
| 08/23 29 | PCT/US05/37634 | 02420/2201984-WO0 | 8021 | \$40.00 | \$57,765. <i>OK</i> |
| 08/23 77 | 0177530354 | 01946/1204396-US1 | 8014 | \$50.00 | \$57,715. |
| 08/24 25 | 10485850 | | 8021 | -\$40.00 | \$57,755. |
| 08/24 26 | 10824961 | | 8021 | -\$40.00 | \$57,795. |
| 08/24 26 | PCT/US03/31120 | | 9204 | -\$100.00 | \$57,895. |
| 08/24 40 | 11501488 | 03356/1200557-US1 | 1081 | \$250.00 | \$57,645. |
| 08/24 69 | 10365125 | | 9204 | -\$300.00 | \$57,945. |
| 08/24 173 | 60717942 | 20517/0203409-US0 | 8007 | \$20.00 | \$57,925. |
| 08/24 234 | 60693948 | 00467/0203028-US0 | 8007 | \$20.00 | \$57,905. |
| 08/24 241 | 11022275 | | 8007 | \$20.00 | \$57,885. |
| 08/24 375 | 11008063 | 08228/100S080-US1 | 8021 | \$40.00 | \$57,845. |
| 08/24 415 | 11382204 | 08228/0204300-US0 | 8021 | \$40.00 | \$57,805. |
| 08/25 2 | PCT/US05/41531 | | 9204 | -\$60.00 | \$57,865. |
| 08/25 8 | 06390028 | | 8021 | -\$40.00 | \$57,905. |
| 08/25 9 | 60390028 | 2875/0L543 | 8021 | \$40.00 | \$57,865. |
| 08/25 13 | 09864755 | | 8021 | -\$40.00 | \$57,905. |
| 08/25 14 | 10296217 | | 8021 | -\$40.00 | \$57,945. |
| 08/25 20 | 29252228 | | 9204 | -\$2,150.00 | \$60,095. |
| 08/25 34 | PCT/US06/31357 | 2204330-WO0 | 8007 | \$20.00 | \$60,075. |
| 08/25 35 | PCT/US06/31358 | 2205214-WO0 | 1601 | \$300.00 | \$59,775. |
| 08/25 36 | PCT/US06/31358 | 2205214-WO0 | 1603 | \$300.00 | \$59,475. |
| 08/25 37 | 11361690 | 06727/1204152-US1 | 2011 | \$75.00 | \$59,400. |
| 08/25 37 | PCT/US06/31358 | 2205214-WO0 | 1702 | \$1,086.00 | \$58,314. |

| | | | | | |
|-------------|----------------|-------------------|------------------------|------------|-----------|
| 08/25 38 | PCT/US06/31358 | 2205214-WO0 | 1703 | \$108.00 | \$58,206. |
| 08/25 81 | 11267818 | 06727/0203584-US0 | 8007 | \$20.00 | \$58,186. |
| 08/25 269 | 11383012 | 20788/1202937-US1 | 8021 | \$40.00 | \$58,146. |
| 08/25 296 | PCT/US05/17309 | 2201285-WO0 | 1605 | \$600.00 | \$57,546. |
| 08/25 297 | PCT/US05/17309 | 2201285-WO0 | 1705 | \$155.00 | \$57,391. |
| 08/28 136 | 10861176 | 04650/0200986-US0 | 8021 | \$40.00 | \$57,351. |
| 08/29 34 | 0172840489 | 02635/0203839-US0 | 8013 | \$25.00 | \$57,326. |
| 08/29 35 | 0142670567 | 03946/000N203-US0 | 8013 | \$25.00 | \$57,301. |
| 08/30 9 | 0172840503 | 02635/0203838-US0 | 8013 | \$25.00 | \$57,276. |
| 08/30 10 | 0172840503 | 02635/0203838-US0 | 8014 | \$25.00 | \$57,251. |
| 08/30 79 | 60717575 | 0203394-US0 | 8007 | \$20.00 | \$57,231. |
| 08/30 80 | 60752115 | 0203394-US0 | 8007 | \$20.00 | \$57,211. |
| 08/30 81 | 60764991 | 0203394-US0 | 8007 | \$20.00 | \$57,191. |
| 08/30 191 | 4781719 | | 8021 | \$40.00 | \$57,151. |
| 08/30 192 | 4828558 | | 8021 | \$40.00 | \$57,111. |
| 08/30 193 | 4833890 | | 8021 | \$40.00 | \$57,071. |
| 08/30 194 | 4863465 | | 8021 | \$40.00 | \$57,031. |
| 08/30 195 | 5084012 | | 8021 | \$40.00 | \$56,991. |
| 08/30 196 | 5123905 | | 8021 | \$40.00 | \$56,951. |
| 08/30 197 | 5769889 | | 8021 | \$40.00 | \$56,911. |
| 08/30 198 | 6308978 | | 8021 | \$40.00 | \$56,871. |
| 08/30 199 | 6419697 | | 8021 | \$40.00 | \$56,831. |
| 08/30 200 | 6527765 | | 8021 | \$40.00 | \$56,791. |
| 08/31 4 | 10569030 | 043060203948US0 | 1633 | \$200.00 | \$56,591. |
| 08/31 5 | 10569030 | 043060203948US0 | 1642 | \$400.00 | \$56,191. |
| 08/31 8 | 10399489 | AM 100620 | 1454 | \$1,370.00 | \$54,821. |
| 08/31 22 | PCT/US06/32351 | 2202426-WO0 | 1703 | \$36.00 | \$54,785. |
| 08/31 24 | PCT/US06/32351 | | 9204 | -\$36.00 | \$54,821. |
| START | | | SUM OF | | |
| BALANCE | | | CHARGES | | |
| \$63,250.02 | | | \$13,545.00 | | |
| | | | SUM OF END | | |
| | | | REPLENISH BALANCE | | |
| | | | \$5,116.00 \$54,821.02 | | |

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PATENT APPLICATION FEE DETERMINATION RECORD
Effective October 1, 2001

Application or Docket Number

10/30/01, Y088

CLAIMS AS FILED - PART I

| | (Column 1) | (Column 2) |
|---|----------------|--------------|
| TOTAL CLAIMS | 115 | |
| FOR | NUMBER FILED | NUMBER EXTRA |
| TOTAL CHARGEABLE CLAIMS | 115 minus 20 = | 95 |
| INDEPENDENT CLAIMS | 6 minus 3 = | 3 |
| MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/> | | |

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

8/19/05

| | (Column 1) | (Column 2) | (Column 3) |
|---|----------------------------------|------------------------------------|---------------|
| AMENDMENT A | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
| Total | 115 | 115 | - |
| Independent | 6 | 6 | - |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/> | | | |

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

| RATE | FEE | RATE | FEE |
|-----------|--------|-----------|--------|
| BASIC FEE | 370.00 | BASIC FEE | 740.00 |
| X5 9= | | X5 18= | 1710 |
| X42= | | X84= | 252 |
| +140= | | +280= | |
| TOTAL | | TOTAL | |

1-18-06

| | (Column 1) | (Column 2) | (Column 3) |
|---|----------------------------------|------------------------------------|---------------|
| AMENDMENT B | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
| Total | 117 | 115 | 2 |
| Independent | 6 | 6 | - |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/> | | | |

SMALL ENTITY OR

OTHER THAN SMALL ENTITY

| RATE | ADDITIONAL FEE | RATE | ADDITIONAL FEE |
|------------------|----------------|------------------|----------------|
| X5 9= | | X5 18= | |
| X42= | | X84= | |
| +140= | | +280= | |
| TOTAL ADDIT. FEE | | TOTAL ADDIT. FEE | |

8-11-06

| | (Column 1) | (Column 2) | (Column 3) |
|---|----------------------------------|------------------------------------|---------------|
| AMENDMENT C | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
| Total | 118 | 117 | 1 |
| Independent | 6 | 6 | - |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/> | | | |

| RATE | ADDITIONAL FEE |
|------------------|----------------|
| X5 9= | 50.00 |
| X42= | |
| +140= | |
| TOTAL ADDIT. FEE | 25.00 |

| RATE | ADDITIONAL FEE |
|------------------|----------------|
| X5 18= | |
| X84= | |
| +280= | |
| TOTAL ADDIT. FEE | |

| RATE | ADDITIONAL FEE |
|------------------|----------------|
| X5 9= | 25.00 |
| X42= | |
| +140= | |
| TOTAL ADDIT. FEE | 25.00 |

| RATE | ADDITIONAL FEE |
|------------------|----------------|
| X5 18= | |
| X84= | |
| +280= | |
| TOTAL ADDIT. FEE | |

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."

* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Atty Docket No.: 05986/100K434-US1

Inventor: Blas Frangione

Appln: 10/301,488-Conf. #9176 Filed: Nov. 21, 2002

Title: SYNTHETIC IMMUNOGENIC BUT NON-DEPOSIT-
FORMING POLYPEPTIDES AND PEPTIDES
HOMOLOGOUS TO AMYLOID BETA, PRION ...

Documents:

Amendment After Final Action Under 37 C.F.R. 1.116 (28 pages)

Amendment Transmittal (1 page)

Request for Continued Examination (1 page)

Three Month Request for Extension of Time (1 page)

Fee Transmittal (1 page)

Check in the amount of \$930.00 # 12405

Certificate of Express Mailing (1 page)

Via: Express Mail

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Date: August 11, 2006

EV 834734841 - US

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| | | | |
|--|--------------------------------------|----------------------------|-------|
| DARBY & DARBY, P.C. PATENT OFFICE ACCOUNT 805 THIRD AVENUE NEW YORK, NY 10022 | | 1-8-210 | 12405 |
| DATE 8-11-06 | | | |
| PAY TO THE ORDER OF | COMMISSIONER OF PATENTS & TRADEMARKS | \$ 930 | 00 |
| Nine Hundred & Thirty | | DOLLARS | |
| citibank | | | |
| CITIBANK, N.A. BR. #852 650 FIFTH AVENUE, 5TH FLOOR NEW YORK, NY 10103 | | The Citigroup Private Bank | |
| MEMO 301.488/100K434US/ Gabriella V. Karaszi | | | |
| ⑆021000084⑆ 43348074⑆ 2005 | | | |

Application No. (if known): 10/301,488

Attorney Docket No.: 05986/100K434-US1

Certificate of Express Mailing Under 37 CFR 1.10

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Commissioner for Patents
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on October 6, 2006
Date

Lillian Garcia
Signature

Lillian Garcia

Typed or printed name of person signing Certificate

N/A
Registration Number, if applicable

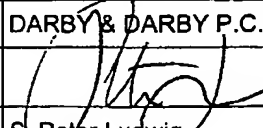
(212) 527-7700
Telephone Number

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Copy of Patent Application Fee Determination (1 page)
Transmittal Form (1 page)
Return Receipt Postcard

| | | |
|---|------------------------|------------------------|
| <h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p> | Application Number | 10/301,488-Conf. #9176 |
| | Filing Date | November 21, 2002 |
| | First Named Inventor | Blas Frangione |
| | Art Unit | 1646 |
| | Examiner Name | D. E. Kolker |
| Total Number of Pages in This Submission | Attorney Docket Number | 05986/100K434-US1 |

| ENCLOSURES (Check all that apply) | | |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): Copy of charge to deposit account (3 pages) Copy of Check #12405 and Postcard (1 page) Copy of Patent Application Fee Determination (1 page) |
| <div style="border: 1px solid black; padding: 5px; min-height: 80px;"> <div style="border: 1px solid black; display: inline-block; padding: 2px;">Remarks</div> </div> | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|--|---|----------|--------|
| Firm Name | DARBY & DARBY P.C. | | |
| Signature |  | | |
| Printed name | S. Peter Ludwig | | |
| Date | October 6, 2006 | Reg. No. | 25,351 |

Docket No.: 05986/100K434-US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Blas Frangione

Application No.: 10/301,488

Filed: November 21, 2002

Confirmation No.: 9176

Art Unit: 1646

Examiner: D. E. Kolker

For: SYNTHETIC IMMUNOGENIC BUT NON-
DEPOSIT-FORMING POLYPEPTIDES AND
PEPTIDES HOMOLOGOUS TO AMYLOID
BETA, PRION PROTEIN, AMYLIN, ALPHA-
SYNUCLEIN, OR POLYGLUTAMINE
REPEATS FOR INDUCTION OF AN IMMUNE
RESPONSE

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicants in the above identified patent application hereby request a partial refund of fees paid with respect to this application. Applicants hereby assert they are entitled to Small Entity Status.

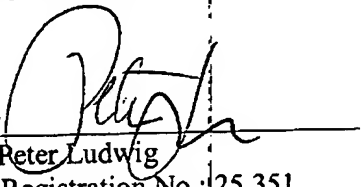
On August 11, 2006 an Amendment in response to the Final Office Action mailed February 16, 2006, RCE and three-month extension of time was filed for this application with a fee transmittal sheet correctly calculating the total claims as 118. The extra claim fee for one additional claim was paid in full in the amount of \$25.00 on August 11, 2006 at the time of filing the Amendment in the above identified application.

Applicants attach hereto a copy of check No. 12405 in the amount of \$930.00 paid on August 11, 2006 to cover the RCE (\$395), three month extension of time (\$510) and extra claim (\$25) fees. Our Deposit account was erroneously charged \$50.00 for extra claim fees that were previously paid for in the above-identified application.

Please credit the refund of \$50.00 to Deposit Account No. 04-0100 in the name of DARBY & DARBY P.C.

Dated: October 6, 2006

Respectfully submitted,

By 
S. Peter Ludwig
Registration No.: 25,351
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant

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